

June 19, 2004

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DEPARTMENT OF
WATER RESOURCES

Dear Idaho Department of Water Resources,

We are a group of District #34 water users. The majority of us have ground water rights. We have recently been informed, by IDWR, that mitigation will be called for by surface water right holders that have their diversion point at the Moore Diversion.

The District #34 Water Board Advisory Committee recently voted to lease a well in order to mitigate/directly augment these 1883, water rights. This letter is to inform the Idaho Department of Water Resources that we, as a group, do not agree with this decision.

The Advisory Committee is just that, an advisory committee. They are not a governing body. They have no mandate to set policy that has financial encumbrances on the District 34 water users. The decision of the Advisory Committee to lease this well is totally unacceptable. We do not support it.

Idaho state water law is based on "First in time, first in right". Water is delivered down stream as far as it will reach. There is no provision that says one can pool his/her water with storage water to make delivery possible. This would be arbitrary, and is the case with the 1883 water being delivered to the Moore Diversion.

This valley is in the grip of a several years long drought, with 2004 being possibly the worst yet. The pumpers of the Big Lost River Basin are not responsible for the inability of the 1883 water rights to be delivered to the Moore Diversion. We do not have the burden of delivering this water right, through mitigation or augmentation.

The decision that should be made by IDWR, under these conditions of severe drought, is that it is futile to try to deliver these rights. There should be no additional mitigation, as both IDWR and the patrons of this basin have an agreed upon mitigation plan in place through recharge, and shrink in the canals and the Big Lost River. All attempts have been made to deliver these water rights to the extent possible.

Because there has been no adequate study of this basin and the interaction of the ground water/surface water connection, IDWR in cooperation with the water users of Basin #34 needs to implement further ground water/surface water studies to gain a better understanding of this connection. This should be undertaken in each reach of the valley. Until a reliable, science-based study of each reach in the valley is done, the burden of proof for a call for mitigation by a senior water right owner, as stated in Idaho law, has not been met.

Sincerely,

See attached

Additional signatures due to the short amount of time allowed to submit this letter. We will be submitting additional signatures until 6/20/04.

Sincerely,

SIGNATURE	PRINTED NAME	ADDRESS
1. <u>Thomas Shelton</u>	Thomas Shelton	Blackfoot, Idaho
2. <u>Dusty Williams</u>	Dusty Williams	Mackay ID
3. <u>Randy Deins</u>	Randy Deins	Mackay ID
4. <u>William S Green</u>	WILLIAM S GREEN	Mackay ID
5. <u>Scott S. Taggart</u>	Scott S. Taggart	3981 W. 4100 N. Leslie, Id.
6. <u>Anna L. Taggart</u>	Anna L. Taggart	3981 W. 4100 N. Leslie, Id.
7. <u>Frances Kimball</u>	FRANCES KIMBALL	Mackay Id #93 N
8. <u>Lori F. Duiven</u>	LORI F. DUIVEN	4516 Division Rd. Boise, ID
9. <u>Nathan D Carpenter</u>	Nathan D Carpenter	2939 Arco Idaho 83215
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SINCERELY,

SIGNATURE	PRINTED NAME	ADDRESS
1. <u>Brenda J. S. Johnston</u>	<u>Brenda J. S. Johnston</u>	<u>374 Louise Dr. Arco ID 83213</u>
2. <u>Connie E. Hainline</u>	<u>Connie E. Hainline</u>	<u>3358 W 3120 N Moore ID 83255</u>
3. <u>Floyd M. Hainline</u>	<u>Floyd M. Hainline</u>	<u>3358 W 3120 N Moore ID 83255</u>
4. <u>Sherald Johnston</u>	<u>Sherald Johnston</u>	<u>374 Louise Dr. Arco ID 83213</u>
5. <u>Jennie Marie Smith</u>	<u>Jennie Marie Smith</u>	<u>3897 W 3700 N Moore Idaho 83255</u>
6. <u>Leisa Bowhay</u>	<u>Leisa Bowhay</u>	<u>3549 N 3700 W Moore Idaho 83255</u>
7. <u>Jerri Bowhay</u>	<u>Jerri Bowhay</u>	<u>3549 N 3700 W Moore ID 83255</u>
8. <u>Holly Seefried</u>	<u>HOLLY SEEFRIED</u>	<u>4399 Houston Rd, Mackay, ID 83251</u>
9. <u>Willama Seefried</u>	<u>WILLAMA SEEFRIED</u>	<u>4399 Houston Rd, Mackay, ID 83251</u>
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